

Addressing	
From	To
Ken Greenberg/R9/USEPA/US	Laurie Kermish/R9/USEPA/US Laurie Kermish/R9/USEPA/US
CC	BCC
Ken Greenberg/R9/USEPA/US@EPA	
Description Form Used: Reply	
Subject	Date/Time
Re: Fw: citizen suit SEP inquiry - private lateral line replacement	
# of Attachments	Total Bytes
0	8,653
NPM	Contributor
	Kimberly Wells
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Comments	

Body

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Ken Greenberg
 Enforcement Division (ENF-3-1)
 U.S. Environmental Protection Agency, Region 9
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 San Francisco, CA 94105
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 greenberg.ken@epa.gov

Laurie Kermish---02/11/2013 01:13:40 PM---any thoughts? ----- Forwarded by Laurie Kermish/
 R9/USEPA/US on 02/11/2013 01:13 PM -----

From: Laurie Kermish/R9/USEPA/US
 To: Ken Greenberg/R9/USEPA/US@EPA,
 Date: 02/11/2013 01:13 PM
 Subject: Fw: citizen suit SEP inquiry - private lateral line replacement

Attorney-Client

----- Forwarded by Laurie Kermish/R9/USEPA/US on 02/11/2013 01:13 PM -----

From: "Dworkin, Karen (ENRD)" <Karen.Dworkin@usdoj.gov>
To: "Harvey, Judy (ENRD)" <Judith.Harvey@usdoj.gov>, Laurie Kermish/R9/USEPA/US@EPA, Ken Greenberg/R9/USEPA/US@EPA, Michelle Moustakas <Moustakas.Michelle@epamail.epa.gov>,
Cc: "Friedman, Henry (ENRD)" <Henry.Friedman@usdoj.gov>, "Smith, Justin (ENRD)" <Justin.Smith@usdoj.gov>
Date: 02/11/2013 12:45 PM
Subject: RE: citizen suit SEP inquiry - private lateral line replacement

Attorney-Client

From: Harvey, Judy (ENRD)

Sent: Thursday, February 07, 2013 6:42 PM

To: Kermish, Laurie; Ken Greenberg; Michelle Moustakas

Cc: Dworkin, Karen (ENRD); Friedman, Henry (ENRD); Smith, Justin (ENRD)

Subject: citizen suit SEP inquiry - private lateral line replacement

EES/EPA—

Attorney-Client

Attorney-Client

(I'm not available at the time
Jerry's email suggests, but could try and set up a different time tomorrow or next week).

Thanks,
Judy Harvey

U.S. Department of Justice
Environment and Natural Resources Division
Law and Policy Section
(202) 514-3932

From: Jerry Bernhaut [<mailto:j2bernhaut@yahoo.com>]

Sent: Thursday, February 07, 2013 5:04 PM

To: Harvey, Judy (ENRD)

Subject: Re: River Watch phone conference

Judy,

In our negotiations with San Jose regarding their sewage system overflows (SSOs) they are proposing a loan program to help fund the inspection and repair of private sewer laterals, which are the property owner's responsibility, as a SEP. It does have the required public benefit and nexus in that deteriorated private laterals allow the inflow of rain water and ground water into the sewage system, which is a significant contributing factor to SSOs.

However, as we understand it, a loan program where the funds are repaid does not have the deterrent effect of a penalty, which is a function that a SEP in lieu of penalties should satisfy. A grant for the same purpose should satisfy the EPA guidelines.

Are you available 9 a.m: pacific time tomorrow?

Thanks,

Jerry